

**HEARING DATE: May 29, 2019**  
**HEARING TIME: 2:00 P.M.**  
**LOCATION: Tacoma, Washington**  
**RESPONSE DATE: May 22, 2019**

**HEARING TIME: 2:00 P.M.**

**LOCATION:** Tacoma, Washington

**RESPONSE DATE: May 22, 2019**

In re:	Case No.: 19-41010-MJH
AMY MELISSA BOYD,	TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE
Debtor.	

Case No.: 19-41010-MJH

## TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtor.

## BACKGROUND

TRUSTEE'S OBJECTION TO CONFIRMATION  
WITH STRICT COMPLIANCE - 1

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600

**OBJECTION**

☐ Plan is not feasible:

☐ Plan is not proposed in good faith or is forbidden by law:

☒ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

(1) Debtor has over claimed the amount that will be paid in priority debtor over the term of the plan. Debtor claims a \$1,500.00 per month deduction on 122C-2 line 19 for court order payments. Debtor also claims \$100,500.00 per month at line 35 of 122C-2 for repayment of priority debts. Per debtor's schedule E/F, about \$90,000.00 of the \$100,500.00 is for anticipated maintenance and support payments, which consists of the \$1,500.00 per month claimed at line 19. ECF # 1, pg. 21. Thus, the debtor has claimed the anticipated ongoing of \$1,500.00 twice.

(2) Debtor has over claimed the amount of the IRS claim, which was only \$1,526.64.

(3) Debtor must provide evidence of the court order to pay \$1,500.00 per month support.

(4) Debtor has over claimed the deduction for the 2015 Acura for the secured claim of GESA Credit Union. ECF # 5, pg. 6. Debtor has claimed a deduction of \$750.00 per month.

(5) Trustee requires the pay stubs used to calculate the CMI to review debtor's pay roll deductions.

☒ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4): According to debtor's schedules, there is approximately \$40,000.00 of non-exempt equity in the debtor's real property that must be accounted for in the liquidation value of the estate.

☒ Schedules or other documentation insufficient:

(1) Debtor must provide page four on the Key Bank transaction history.

(2) Debtor must provide a copy of the Chase Bank statement that covers the date of filing.

☐ Other:

**WHEREFORE**, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14

1 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the  
2 hearing on the next available motion calendar after the 14 days expires. If the Motion to  
3 Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the  
4 Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

5 **DATED** this 13th day of May, 2019.

6  
7 /s/ Matthew J.P. Johnson

8 Matthew J.P. Johnson, WSBA# 40476 for  
9 Michael G. Malaier, Chapter 13 Trustee

10 **CERTIFICATE OF MAILING**

11 I certify under penalty of perjury under the laws of the United States I caused to be  
12 mailed via regular mail a true and correct copy of Trustee's Objection to Confirmation to the  
13 following:

14 Amy Melissa Boyd  
15 11113 – 185<sup>th</sup> Ave. E.  
16 Bonney Lake, WA 98391

17 The following parties received notice via ECF:

18 Ellen Ann Brown  
19 Lesley Lueke  
20 U.S. Trustee

21 Executed at Tacoma, Washington this 13<sup>th</sup> day of May, 2019.

22 /s/ Tracy Maher

23 Tracy Maher  
24 Motion Coordinator for  
25 Chapter 13 Trustee